

REMARKS

This response is intended as a full and complete response to the final Office Action mailed January 7, 2008. In the Office Action, the Examiner notes that claims 16-32 are pending and rejected. By this response, the Applicants herein amend claims 16 and 27.

In view of the following discussion, Applicants submit that all of the claims satisfy the requirements of 35 U.S.C. §112. Thus, Applicants believe that all of these claims are now in allowable form.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response. Applicants respectfully request reconsideration and allowance of the claims in view of the following remarks.

Claims 16-32 Are Patentable Under 35 U.S.C. §112, ¶1

Claims 16-32 are rejected under 35 U.S.C. §112, ¶1, as failing to comply with the written description requirement.

With respect to the first issue raised under 35 U.S.C. §112, ¶1, the Applicants herein amend claims 16 and 27 to recite "at least one of: a purchasable event or an interactive advertisement." The Applicants submit that the above amendment overcomes the first issue raised under 35 U.S.C. § 112, ¶1.

With respect to the second issue raised under 35 U.S.C. § 112, ¶1, the Applicants respectfully submit that the claims are supported by the Applicants' specification. The Applicants herein attempt to more clearly provide support limitation by limitation to overcome the rejection under 35 U.S.C. §112.

First the Applicants note the embodiments noted by the Examiner. However, the Applicants respectfully submit that the Examiner's interpretation is only one embodiment of multiple embodiments disclosed within the present specification. The Applicants ask the Examiner to recognize that multiple embodiments exist within the specification and that both the Examiner and the Applicants' interpretation may be correct and may not

necessarily be mutually exclusive. The Applicants' believe that the claims are consistent with what is taught by the specification.

With specific reference to the Examiner's comments regarding FIG. 6, the Applicants respectfully submit that a simple grammatical analysis will reveal that the Applicants' specification supports the Applicants' interpretation of the claims and FIG. 6. The specification teaches "[a]dvertisement [sic] or other promotional programming is distributed by a content provider. . ." (See e.g., Applicants' specification, p. 17, ll. 21-22). Notably, "advertisements" and "promotional programming" are being introduced as being interchangeably used with respect to FIG. 6. The specification further teaches "[w]hen viewing a promotional. . ." (See *Id.* at p. 17, l. 23). Notably, one of the EPG options available is to "record the advertisement". (See *Id.* p. 18, l. 5, emphasis added). Notably, advertisement is not introduced anywhere previously except the introduction of "advertisement or other promotional programming," as noted above. Consequently, "the advertisement" refers to "a promotional" that is currently being viewed. (See *Id.* at p. 17, l. 23 – p. 18, l. 8). Therefore, the option to record the advertisement is an option to record the advertisement or promotional that is currently being viewed.

The Applicants believe that this is entirely consistent with the earlier portions of the specification that teaches EPG actions are available from within the broadcast advertisement. (See e.g., Applicants' specification, p. 11, ll. 2-3, emphasis added). Notably, the specification is not referring to a "broadcasted" advertisement in the past or an advertisement that will be broadcast in the future, but rather "the broadcast advertisement" in the present tense. Notably, one of the available EPG options is to store the advertisement. (See *Id.* at ll. 8-9).

With reference to the present claims, the Applicants again respectfully submit that the Applicants' specification clearly discloses an alternate embodiment where an advertisement may be recorded during presentation of the advertisement. For example, the Summary of the Invention describes that the present invention provides access to interactive features of an electronic program guide by a user from within a broadcast advertisement. (See Applicants' specification, p. 3, ll. 16-18). The method comprises receiving the broadcast advertisement comprising audio, video and promotional metadata. (See *Id.* at ll. 18-19).

The promotional metadata may be used to define characteristics of a program as well as valid EPG functions that may be accessed within the broadcast advertisement. (See *Id.* at p. 4, ll. 8-10). The one or more valid electronic program guide features defined by the promotional metadata may also comprise recording the promotional advertisement, either to a local recording device or a remote recording device located on the broadcast distribution network. (See *Id.* at ll. 15-18). Therefore, the Applicants respectfully submit that the embodiment that the Applicants are claiming is clearly present within the specification. However, the Applicants believe that the Examiner is basing the rejection under 35 U.S.C. § 112 based upon confusion of terminology.

To alleviate this problem, the Applicants provide support for each limitation below within the Detailed Description of the specification. The specification teaches that promotional metadata is broadcast in combination with programming and advertisement audio and video data. (See *Id.* at p. 9, ll. 10-11). Moreover, the promotional metadata comprises data items (see *Id.* at p. 10, ll. 2-3) including a promotion type, the promotion type including a purchasable event (see *Id.* at ll. 7-8) and an interactive advertisement (see *Id.* at ll. 13-15).

The specification teaches that the interactive advertisement is for example an interactive full screen advertisement that is presented to a viewer. (See *Id.* at ll. 13-14). The presentation software uses the data within the promotional metadata to drive the interactive functionality of the EPG within the broadcast advertisement. (See *Id.* at ll. 9-12). One of the EPG actions available from within the advertisement may be storing the advertisement (i.e. the advertisement being presented). (See *Id.* at p. 11, ll. 6-9). Therefore, the Applicants respectfully submit that the Applicants' claims are fully supported by the specification.

FIG. 6 illustrates an example of this interaction. For example a user may select to store the promotional (e.g. interactive advertisement, as discussed above a promotion type may be an interactive advertisement) for future viewing of the interactive advertisement on the storage device. (See *Id.* at p. 18, ll. 1-9). Subsequently, the option is executed and the promotional is stored for future viewing. (See *Id.*).

As such, Applicants submit that claims 16-32 are patentable under 35 U.S.C. §112, ¶1. Therefore, the rejection should be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and passage of the claims to allowance. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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